

AGENDA
SECTION 608 SIGN TASK FORCE
November 21, 2017

AGENDA ITEM 2
APPROVAL OF MINUTES:

SEPTEMBER 26, 2017

DRAFT

**CITY OF LEBANON
SECTION 608 SIGN TASK FORCE
Minutes, September 26, 2017
City Hall—Council Chambers
5:30 p.m.**

MEMBERS PRESENT: Clifton Below, Stan Brown (alternate), Brian Clancy, Curt Jacques, Mandy Spencer, Rob Taylor

MEMBERS ABSENT: Gregorio Amaro (alternate), Mark Bradley, Megan Chapman (alternate), Daaron Mathews, Joan Monroe, Mark Pageau, Lindamae Peck (alternate), Amelia Sereen, Candy Swift (alternate), Robert Welsch

STAFF PRESENT: Planning & Zoning Director David Brooks, Zoning Administrator Tim Corwin

I. CALL TO ORDER

The meeting was called to order at 5:34 p.m. by Mr. Corwin.

II. APPROVAL OF MINUTES: September 12, 2017

Stan Brown moved to approve the minutes of the September 12, 2017 meeting of the Section 608 Sign Task Force as written. Seconded by Brian Clancy.

**The motion passed 5-0. Abstaining: Jacques.*

III. DISCUSSION ITEMS

A. Draft Section 608 (“Signs”) of the Zoning Ordinance

B. Chapter 152, Article IV, “Non-public Signs in City Right-of-Way”

Mr. Corwin said they would pick up where they left off at the last meeting. He said the abutting owner usually owns the property to the center line of the road. He said the question is if they should allow signs in the right-of-way that are not “government speech,” which is exempt from this analysis. For example, should non-profits be allowed to advertise their events there? He said they cannot treat one non-commercial use differently from another non-commercial use. If political signs are allowed, all non-commercial signs must be allowed. He suggested eliminating subsections A, G, and H from Section 152-34 and keeping the rest as-is.

1 Mr. Below said the State regulates political signs, and he does not know that that is in question.
2 Mr. Corwin said there is no question that the state law is unconstitutional, as it directly violates
3 the Supreme Court decision. Mr. Below said this has not yet been tested in court; it is not the
4 City's job to challenge state law, and until it is challenged, it is still the law. Mr. Corwin said the
5 City does not have to adopt state law. Mr. Below said he does not think the City has to go
6 beyond the state law regarding political advertising. Mr. Corwin disagreed. He said the City can
7 choose not to discriminate against types of non-commercial speech. He said the state law
8 provides a local option to have political signs in the right-of-way but does not require the City to
9 allow them. He said they should think about this policy for the next meeting.

10
11 Regarding subsection B, Mr. Below said "licensed activity" is not clear-cut. Mr. Jacques said
12 there should be designated areas where signs can be placed. He said signs for fund-raisers are
13 good for the community. Mr. Corwin said in certain areas, such as Colburn Park, organizations
14 could apply for permits. That could be extended to other areas. Mr. Jacques said the City should
15 charge more for permits for higher-traffic areas. Mr. Clancy said that discriminates in favor of
16 organizations that have more money. He said there should be no signs in the right-of-way except
17 in designated spaces. Mr. Corwin said he will try to come up with a general policy for the next
18 meeting.

19
20 Mr. Clancy said non-profits should have the same opportunity as the City. Mr. Jacques said there
21 are illuminated signs that are used in different areas for City information. Ms. Spencer said
22 sometimes that is the only place she learns about upcoming events. Mr. Corwin asked members
23 to send him ideas, and he will distribute them before the next meeting. Mr. Jacques asked if
24 traffic counts are available. Mr. Brooks said there are for some streets, and most of the data is
25 updated every three years.

26
27 Regarding Section 608.4 of the Sign Ordinance, Mr. Corwin said the proposal is that each
28 building can have a sign area of 200 square feet or a percentage of the façade, whichever is less.
29 Mr. Below said there are some very large buildings containing multiple businesses for which that
30 size would not be adequate, such as Upper Valley Plaza. Mr. Corwin said perhaps they can get
31 rid of the 200-square-foot part and use just percentages.

32
33 Mr. Below asked if signage per tenant means it is content-based. Mr. Corwin said that is not
34 necessarily true. He said administration becomes clunky if they do it per business. Mr. Below
35 said the PowerHouse Mall has businesses that do not have an outside façade, and it is fair that
36 they have signage. Mr. Brown asked if distances are based on a standard of visibility. Mr.
37 Corwin said they are based on the U.S. Sign Council Model Code, and they cite studies. He said
38 he will look at whether this should be based on the lot line or the distance from the nearest public
39 right-of-way. He said the percentages he proposed are probably too high. Mr. Below noted that
40 sometimes there is a business within another business. There was discussion about what the
41 principal façade is.

42
43 Mr. Jacques asked about video screens on gas pumps. Mr. Corwin said at a certain point, they
44 cannot regulate everything, unless they reach a point where they *have* to regulate it. Mr. Jacques
45 asked about a wall sign versus a banner. Mr. Corwin said a banner is a temporary sign. He said
46 he has proposed a height and size limit for freestanding signs, which would be deducted from the

1 total allowed sign area. Mr. Brown noted that the proposed regulation referred to roads with
2 speed limits that are over 40 mph and under 40 mph but not roads that have a 40 mph limit. The
3 group decided to divide into under 40 and 40 and over.

4
5 Mr. Corwin said he would like to find a way to measure a sign's brightness at its face. They need
6 to find a metric. He said digital billboards would be a good topic for a survey. Mr. Jacques said
7 there should be a "curfew" for those signs. There could also be an energy-saving component. Mr.
8 Brown noted that technology is changing quickly. Mr. Corwin said he cleared up the language
9 regarding mixed-use districts. The height limit was increased from 8 feet to 15 feet. He reviewed
10 Sections 608.5 and 608.6. Mr. Jacques asked about sandwich signs on sidewalks. Mr. Corwin
11 said they cannot block the sidewalk. Mr. Jacques said West Lebanon has narrow sidewalks. He
12 said they should be time-limited; he said he hates looking at Main Street like it is a flea market.
13 He said some of these signs look old and are in poor condition. Mr. Taylor said there could be a
14 requirement for maintenance.

15
16 Mr. Corwin said the proposed rules for non-conforming signs are a little more strict than the
17 current ones. Mr. Jacques said an old sign can be outdated and look bad, but it cannot be
18 replaced. Mr. Corwin said signs can be maintained; they can add that the replacement rules refer
19 to the structure. Mr. Below said at some point, a sign would have to come into conformance with
20 the illumination standards without losing its non-conforming status.

21
22 Regarding Section 608.7.B, Mr. Below asked if that allows too much latitude, as an owner can
23 say that anything is part of the architectural design. Mr. Corwin said they can take that out for
24 now. Mr. Below asked if 608.7.C should also mention the school district. Mr. Jacques said the
25 limitation in Section 608.7.D(5) may be too small in some cases. Mr. Corwin noted that
26 according to the attorney, they need to find a way to allow directional signs. There was a brief
27 discussion about bulletin boards.

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29 **IV. OTHER BUSINESS:** None

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31 **III. ADJOURNMENT**

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33 The meeting was adjourned at 7:38 p.m.

34
35 Respectfully submitted,

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37
38 Charles Glazer
39 Recording Secretary